

APPENDIX I

I. Cost Share Actions and Endangered Species Act.

- A. Each proposed action to be taken under the cost share program must comply with the Endangered Species Act (16 U.S.C. 1536(a)(2)). To the extent compatible with other policies, the Forest Service or State will facilitate biological evaluations and applicable consultation processes with the agencies having designated authority under this act. The processes of environmental analysis and associated biological evaluation, consultation with appropriate agencies, and inclusion of biological opinions, when applicable will be performed prior to granting easements or permits.
- B. Existing easement rights require compliance with all applicable State and Federal laws, Executive orders, and Federal regulations. In the event any agency administering the requirements of the Endangered Species Act alters or changes any legal rights granted, that administering agency is responsible for acquiring the additional rights through its own processes and procedures.

II. Appropriate Environmental Review

- A. NEPA and ESA procedures do not apply to the following conditions:
 - 1. When providing an acknowledgment when the authorization of road use is prescribed by regulation or law.
 - 2. When the use of a road occurs (that would otherwise require a permit) under a document that confirms an outstanding right to use the road, such as an easement or a prior reservation of use contained in a conveyance document. However, they do apply where permits and contracts must be prepared and the action on the ground has not received sufficient analysis.
- B. The exchange or granting of easements or permits under a cost share agreement (Road Right of Way Construction and Use Agreement) that meet the following conditions shall be considered under a categorical exclusion for NEPA review:
 - 1. The proposed use or action involves an existing road and there will be no changes in the road design standards, road prism (reconstruction) or departures from road traffic rules that are currently in effect. (Resulting land uses remain essentially the same). The proposed activity continues the existing use of the involved land and no change in the physical environment or facilities are proposed.
 - 2. The private land use is permissible under existing county and state rules and regulations.

- C. Where NEPA is required, the following procedures will occur:
1. Upon receiving a project proposal, the Forest Service and State will assign a NEPA coordinator for the project. A time line will be established as to when NEPA compliance will start and each phase will be completed. Each party will provide project related analysis to the other for connected action analysis.
 2. Data collection, analysis, and assessment may be provided by Forest Service specialists, State specialists, or contractors as agreed to by the parties as it pertains to the road's NEPA review. Each party's previously agreed to specialists time will be credited to each party as contribution expenditures toward the total road cost.